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2 HONORABLE ROBERT S. LASNIK  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT SEATTLE  
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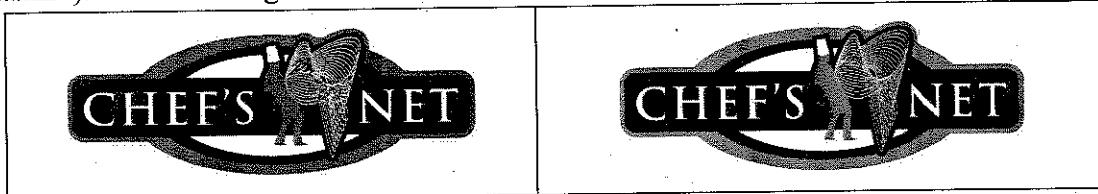
15 DIRECT SOURCE SEAFOOD LLC, a  
16 Washington limited liability company,  
17 Plaintiff,

18 v.  
19 AQUA STAR (USA) CORP., a Washington  
20 corporation; and DOES 1-20, inclusive,  
21 Defendants.

22 Case No. 2:16-cv-00407-RSL  
23  
24 [PROPOSED] PERMANENT INJUNCTION  
25 AGAINST DEFENDANT AQUA STAR  
26 (USA) CORP.  
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28 ALLEGATIONS AND CLAIMS OF THE PARTIES

29 1. Plaintiff Direct Source Seafood LLC (“DSS”) is a Washington-based seafood  
30 importer and wholesaler. DSS owns: (a) a federal registration for the CHEF’S NET mark for  
31 seafood, Registration No. 3,469,004, issued on July 15, 2008; (b) a federal registration for the  
32 CHEF’S NET mark and design for seafood, Registration No. 5,054,548, issued on October 4,  
33 2016; and (c) a federal registration for the CHEF’S NET mark and design for seafood,  
34 Registration No. 5,080,845, issued on November 15, 2016 (collectively, the “CHEF’S NET  
35 Marks”). DSS’s two registered CHEF’S NET design marks are shown below:



2. Defendant Aqua Star (USA) Corp. ("Aqua Star") is a supplier of seafood throughout North America. DSS contends that in or about 2015, Aqua Star began packaging, selling and distributing products that bear the CHEF'S NET Marks.

3. DSS initiated this action on March 18, 2016, with the filing of a complaint alleging claims for: trademark counterfeiting under 15 U.S.C. § 1114; trademark infringement under 15 U.S.C. § 1114; false designation of origin and unfair competition under 15 U.S.C. § 1125(a); and unfair business practices under RCW 19.86 *et seq.* (Dkt. 1.)

4. On April 13, 2016, Aqua Star filed an Answer to DSS's Complaint and a Counterclaim for declaratory relief (Dkt. 19) alleging that the CHEF'S NET Mark was not wrongfully used by Aqua Star, that DSS has abandoned its rights to the CHEF'S NET Mark and the entity that controls the CHEF'S NET Mark has permanently discontinued its authorized use.

5. Pursuant to the stipulation of the parties filed on April 22, 2016 (*see* Dkt. 22), on May 4, 2016 the Court entered the Stipulated Preliminary Injunction Against Defendant Aqua Star (USA) Corp. (*see* Dkt. 26).

6. The parties have agreed that the Stipulated Preliminary Injunction (Dkt. 26) be made permanent and therefore have agreed to entry of this Permanent Injunction.

7. Nothing herein shall be construed as a violation of this Permanent Injunction if Aqua Star uses the CHEF'S NET Marks again in the future pursuant to a valid written license agreement granted directly to Aqua Star by DSS or DSS's assigns or successors-in-interest; provided, however, that nothing herein shall be construed as a promise to grant any such license or to include any specific terms in such a license, all of which will be subject to DSS's sole discretion.

## **INJUNCTION**

IT IS HEREBY ORDERED that Aqua Star and its officers, agents, servants, employees, assigns, attorneys, and all those in active concert or participation with Aqua Star, who receive actual notice of this Permanent Injunction by personal service, are ORDERED and ENJOINED as follows:

1. From using the CHEF'S NET Marks or any reproduction, counterfeit, copy or colorable imitation thereof in commerce in connection with the manufacture, importation, distribution, advertisement, offer for sale and/or sale of seafood;

2. From shipping, delivering, distributing, transferring or otherwise moving, disposing of, selling or attempting to sell any seafood products bearing the CHEF'S NET Marks, or any reproduction, counterfeit, copy or colorable imitation thereof; and

3. From assisting, aiding or attempting to assist or aid any other person or entity in performing any of the prohibited activities referenced in (1) to (2) above.

## BINDING EFFECT

IT IS FURTHER ORDERED that this Permanent Injunction shall be binding upon and inure to the benefit of the parties and all successors, assigns, parent entities, subsidiaries, officers, directors, members, shareholders, distributors, agents, affiliates, and all other persons who are in active concert or participation with anyone described herein, who receive actual notice of this Permanent Injunction by personal service or otherwise.

## **RETENTION OF JURISDICTION**

IT IS FURTHER ORDERED that the Court shall retain jurisdiction of this action for purposes of construing, modifying, and enforcing this Permanent Injunction.

IT IS SO ORDERED.

Dated this 28<sup>th</sup> day of March, 2017.

Mrs Casnik

ROBERT S. LASNIK  
UNITED STATES DISTRICT JUDGE